

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
AT LAW AND IN ADMIRALTY

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No.

APPROXIMATELY \$28,766.00 IN UNITED
STATES CURRENCY,

Defendant.

VERIFIED COMPLAINT FOR CIVIL FORFEITURE IN REM

The United States of America, by its attorneys, Matthew D. Krueger, United States Attorney for the Eastern District of Wisconsin, and Scott J. Campbell, Assistant United States Attorney for this district, alleges the following in accordance with Supplemental Rule G(2) of the Federal Rules of Civil Procedure:

Nature of the Action

1. This is a civil action to forfeit property to the United States of America for violations of 21 U.S.C. § 841(a)(1).

The Defendant In Rem

2. The defendant property, approximately \$28,766.00 in United States currency, was seized on or about September 5, 2018, from Rondell Ray at or near 3XXX W. Wright Street, Milwaukee, Wisconsin. The defendant property is presently in the custody of the United States Marshal Service in Milwaukee, Wisconsin.

Jurisdiction and Venue

3. This Court has subject matter jurisdiction over an action commenced by the United States under 28 U.S.C. § 1345, and over an action for forfeiture under 28 U.S.C. § 1355(a).

4. This Court has *in rem* jurisdiction over the defendant property under 28 U.S.C. § 1355(b).

5. Venue is proper in this district under 28 U.S.C. § 1355(b)(1), because the acts or omissions giving rise to the forfeiture occurred in this district.

Basis for Forfeiture

6. The defendant property, approximately \$28,766.00 in United States currency, is subject to forfeiture to the United States of America under 21 U.S.C. § 881(a)(6) because it was used or intended to be used in exchange for controlled substances, represents proceeds of trafficking in controlled substances, or was used or intended to be used to facilitate a violation of 21 U.S.C. § 841(a)(1).

Facts

7. Heroin is a Schedule I controlled substance under 21 C.F.R. § 1308.

8. MDMA (also known as ecstasy or molly) is a Schedule I controlled substance under 21 C.F.R. § 1308.

9. Cocaine is a Schedule II controlled substance under 21 C.F.R. § 1308.

10. Hydrocodone is a Schedule II controlled substance under 21 C.F.R. § 1308.

11. Oxycodone is a Schedule II controlled substance under 21 C.F.R. § 1308.

12. Dormin is used by drug dealers to cut or dilute controlled substances.

13. Inositol is used by drug dealers to cut or dilute controlled substances.

14. Under 18 U.S.C. § 922(g)(1), it is unlawful for any person who has been convicted in any court of a crime punishable by imprisonment for a term exceeding one year – that is, any felony conviction – to possess any firearm.

15. Since on or about August 27, 1990, Rondell Ray has been, and remains, a convicted felon.

16. As a convicted felon, Rondell Ray is prohibited from possessing a firearm.

August 28, 2018 purchase of heroin and cocaine from Rondell Ray

17. On August 28, 2018, a confidential informant, under the direction of Milwaukee police officers, purchased 0.34 grams of heroin and 0.1 gram of cocaine from Rondell Ray at or near Ray's residence, 3XXX W. Wright Street, Milwaukee, Wisconsin (the "Wright Street residence").

18. The confidential informant paid Rondell Ray \$80 for the 0.34 grams of heroin and 0.1 gram of cocaine, which payment consisted of four \$20 bills in pre-recorded buy money.

19. The confidential informant had also purchased heroin from Rondell Ray on one or more occasions before August 28, 2018, at or near the Wright Street residence.

September 5, 2018 execution of search warrant at Rondell Ray's residence

20. On September 5, 2018, officers executed a search warrant at the Wright Street residence.

21. Rondell Ray was present during execution of the search warrant.

22. Below are some of the items inside the Wright Street residence on September 5, 2018.

A. In the kitchen were the following:

i. Four digital scales.

ii. Three boxes of baggies.

B. In the northeast bedroom were the following:

- i. A bottle of Dormin, a bottle of Inositol, and United States currency, all on the same shelf.
- ii. Three unlabeled prescription bottles – one containing 18 acetaminophen hydrocodone pills, one containing three oxycodone pills, and one containing two unidentified pills.
- iii. Four MDMA tablets.

C. In the northwest bedroom were the following:

- i. Between the mattress and box spring was a .22 caliber revolver with four rounds of ammunition.
- ii. In a pair of jeans was a wallet containing Rondell Ray's Wisconsin driver's license and United States currency.
- iii. In a plastic bag in the closet was additional United States currency.

D. Throughout the residence were a total of seven cell phones.

23. The total United States currency seized from the Wright Street residence was approximately \$28,766, which is the defendant property in this action.

24. The approximately \$28,766 in United States currency included the \$80 (four \$20 bills) of recorded buy money from the August 28, 2018 controlled buy of heroin and cocaine from Rondell Ray.

September 5, 2018 Mirandized Statement

25. On September 5, 2018, Rondell Ray was mirandized and agreed to speak with officers.

26. In the September 5, 2018 audio and video recorded statement, Rondell Ray stated the following:

- A. Ray lives alone at the Wright Street residence.
- B. Ray pays \$650 in cash per month for rent at the Wright Street residence.

- C. Before officers were able to gain entrance to the Wright Street residence during execution of the search warrant, Ray had flushed about one to two grams of heroin down the toilet.
- D. Ray intended to purchase 100 grams of heroin later that day from his Chicago supplier.
- E. Ray has been selling heroin for about four or five months.
- F. Ray purchased about 50 to 100 grams of heroin every two weeks from his supplier in Chicago.
- G. Ray paid \$60 per gram for the heroin and then sold it for \$120 per gram.
- H. The money seized from the Wright Street residence was proceeds from Ray's selling of drugs and clothes.
- I. Ray also sells cocaine, but primarily sells heroin.
- J. The firearm found at the Wright Street residence had been left at the residence by Ray's friend, but Ray possessed it and had placed it under the mattress.

Rondell Ray's 2018 State Drug Charges

27. On or about September 7, 2018, Rondell Ray was charged in Milwaukee County Circuit Court, Case No. 18CF4244, with (1) one count of possession of a firearm by a convicted felon, and (2) one count of maintaining a drug-trafficking place.

28. A plea/sentencing hearing in Case No. 18CF4244 is scheduled for February 25, 2019.

Rondell Ray's 2011 Federal Drug Charges

29. On or about June 7, 2011, Rondell Ray was charged in a one-count indictment in *United States v. Rondell Ray*, Case No. 11-CR-123 (E.D. Wis.), with distribution of a controlled substance – namely, crack cocaine, a Schedule II controlled substance.

30. On or about August 17, 2011, Rondell Ray pleaded guilty to distribution of a controlled substance.

31. On or about January 31, 2012, Rondell Ray was sentenced to 100 months in prison and five years of supervised release.

32. On or about November 21, 2012, Rondell Ray's sentence was reduced to 90 months in prison and five years of supervised release.

33. On or about June 2, 2016, Rondell Ray's sentence was reduced to 82 months in prison and five years of supervised release.

34. On or about September 7, 2018, the United States Marshal Service issued a Detainer to the Milwaukee County Jail – which had custody of Rondell Ray in Milwaukee County Case No. 18CF4244 – as to Rondell Ray's violation of his supervised release in Case No. 11-CR-123 (E.D. Wis.).

Rondell Ray's 1998 Federal Drug Charges

35. On or about January 21, 1998, Rondell Ray was charged in a four-count indictment in *United States v. Rondell Ray*, Case No. 98-CR-11 (E.D. Wis.), with distribution of a controlled substance – namely, crack cocaine, a Schedule II controlled substance.

36. On or about May 28, 1998, Rondell Ray pleaded guilty to one count of distribution of a controlled substance, and the other three counts were dismissed.

37. On or about January 29, 1999, Rondell Ray was sentenced to 151 months in prison and five years of supervised release.

38. On or about March 13, 2008, Rondell Ray's sentence was reduced to 130 months in prison and five years of supervised release.

39. On or about January 31, 2012, Rondell Ray's supervised release in Case No. 98-CR-11 (E.D. Wis.) was revoked and he was sentenced to 33 months in prison, to run concurrent with Ray's sentence in 11-CR-123 (E.D. Wis.).

Administrative Forfeiture Proceedings

40. The Drug Enforcement Administration (“DEA”) began administrative forfeiture proceedings on the approximately \$28,766.00 in United States currency as money that was used or intended to be used in exchange for controlled substances or was proceeds of trafficking in controlled substances.

41. On or about November 4, 2018, Rondell Ray filed a claim to the defendant property, approximately \$28,766.00 in United States currency, with the DEA in the administrative forfeiture proceedings.

Warrant for Arrest In Rem

42. Upon the filing of this complaint, the plaintiff requests that the Court issue an arrest warrant *in rem* pursuant to Supplemental Rule G(3)(b), which the plaintiff will execute upon the defendant property pursuant to 28 U.S.C. § 1355(d) and Supplemental Rule G(3)(c).

Claims for Relief

43. The plaintiff alleges and incorporates by reference the paragraphs above.

44. By the foregoing and other acts, the defendant property, approximately \$28,766.00 in United States currency, was used or intended to be used in exchange for controlled substances, represents proceeds of trafficking in controlled substances, or was used or intended to be used to facilitate a violation of 21 U.S.C. § 841(a)(1).

45. The defendant approximately \$28,766.00 in United States currency is therefore subject to forfeiture to the United States of America under 21 U.S.C. § 881(a)(6).

WHEREFORE, the United States of America prays that a warrant of arrest for the defendant property, approximately \$28,766.00 in United States currency, be issued; that due notice be given to all interested parties to appear and show cause why the forfeiture should not be decreed; that judgment declare the defendant property to be condemned and forfeited to the

United States of America for disposition according to law; and that the United States of America be granted such other and further relief as this Court may deem just and equitable, together with the costs and disbursements of this action.

Dated at Milwaukee, Wisconsin, this 25th day of January, 2019.

Respectfully submitted,

MATTHEW D. KRUEGER
United States Attorney

By: s/SCOTT J. CAMPBELL
SCOTT J. CAMPBELL
Assistant United States Attorney
Scott J. Campbell Bar Number: 1017721
Attorney for Plaintiff
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Telephone: (414) 297-1700
Fax: (414) 297-1738
E-Mail: scott.campbell@usdoj.gov

Verification

I, Scott Marlow, hereby verify and declare under penalty of perjury that I am a Special Agent with the Drug Enforcement Administration (DEA), that I have read the foregoing Verified Complaint for Civil Forfeiture *in rem* and know the contents thereof, and that the factual matters contained in paragraphs 7 through 26 of the Verified Complaint are true to my own knowledge.

The sources of my knowledge and information are the official files and records of the United States, information supplied to me by other law enforcement officers, as well as my investigation of this case, together with others, as a Special Agent with DEA.

I hereby verify and declare under penalty of perjury that the foregoing is true and correct.

Date: 01/24/19

s/SA SCOTT MARLOW
Scott Marlow
Special Agent
Drug Enforcement Administration

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

Place an "X" in the appropriate box: ☐ Green Bay Division ☒ Milwaukee Division

I. (a) PLAINTIFFS

UNITED STATES OF AMERICA

(b) County of Residence of First Listed Plaintiff _____
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

Scott J. Campbell, AUSA
US Attorney's Office, #530 Federal Building
517 E. Wisconsin Avenue, Milwaukee, WI 53202 (414-297-1700)

DEFENDANTS

APPROXIMATELY \$28,766.00 IN UNITED STATES CURRENCY

County of Residence of First Listed Defendant Milwaukee

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff
☐ 2 U.S. Government Defendant
☐ 3 Federal Question (U.S. Government Not a Party)
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input checked="" type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIW W (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
		IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee (Prisoner Petition) <input type="checkbox"/> 465 Other Immigration Actions	FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
21 USC § 881(a)(6)

Brief description of cause:

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 **DEMAND \$**

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

01/25/2019

s/SCOTT J. CAMPBELL

FOR OFFICE USE ONLY

RECEIPT #

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
AT LAW AND IN ADMIRALTY

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No.

APPROXIMATELY \$28,766.00 IN UNITED
STATES CURRENCY,

Defendant.

WARRANT FOR ARREST IN REM

To: THE UNITED STATES MARSHAL
Eastern District of Wisconsin

WHEREAS, a Verified Complaint for Civil Forfeiture *in rem* was filed on the 25th day of January, 2019, by the United States Attorney for the Eastern District of Wisconsin, which seeks the forfeiture of the above-named defendant property pursuant to Title 21, United States Code, Section 881(a)(6), and which prays that process issue to enforce the forfeiture and to give notice to all interested parties to appear before the court and show cause why the forfeiture should not be decreed; and due proceedings being had, that the defendant property be condemned and forfeited to the use of the United States of America.

YOU ARE THEREFORE HEREBY COMMANDED to attach and arrest the defendant property, approximately \$28,766.00 in United States currency, which was seized on or about September 5, 2018, from Rondell Ray at or near 3XXX W. Wright Street, Milwaukee, Wisconsin, and which is presently in the custody of the United States Marshal Service in

Milwaukee, Wisconsin, in the Eastern District of Wisconsin, and to detain the same until further order of this Court.

Dated this ____ day of _____, 2019, at Milwaukee, Wisconsin.

STEPHEN C. DRIES
Clerk of Court

By:

Deputy Clerk

Return

This warrant was received and executed with the arrest of the above-named defendant.

Date warrant received: _____

Date warrant executed: _____

Name and title of arresting officer: _____

Signature of arresting officer: _____

Date: _____